

Exhibit F

DEPOSITION OF LIEUTENANT MARK ORMSBY

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

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AG.G. a minor, by and through)
his guardian ad litem, JESSICA)
AQUINO; AR.G., a minor, by and)
through his guardian ad litem,)
JESSICA AQUINO; KARLA GONSALEZ)
individually; and AUGUSTIN)
GONSALEZ, JR., individually,)

Plaintiffs,)

vs.)

CASE NO.: 4:19-cv-00697 DMR)

CITY OF HAYWARD, a municipal)
corporation; MARK KOLLER,)
individually; PHILLIP WOOLEY,)
individually; MICHAEL CLARK,)
individually; TASHA DECOSTA,)
individually; and DOES 1-100,)
inclusive,)

Defendants.)

CERTIFIED COPY

DEPOSITION OF LIEUTENANT MARK ORMSBY - PMK

MONDAY, JANUARY 27, 2020

REPORTED BY: KELLY L. MCKISSACK, CSR #13430

DEPOSITION OF LIEUTENANT MARK ORMSBY

1 MARK ORMSBY,
2 having been first duly sworn, testified as follows:

3 THE WITNESS: (TO OATH) I do.

4
5 EXAMINATION

6 BY MR. NISENBAUM: Q. Can you please state and spell
7 your name.

8 A. Yes. Mark Ormsby, M-A-R-K, O-R-M-S-B-Y.

9 Q. And what is your current occupation?

10 A. Police officer.

11 Q. It's my understanding that you're a
12 lieutenant; is that correct?

13 A. Correct.

14 Q. Okay. And I'm going to -- well, I won't
15 attach it. I'll just read it. You've been produced by
16 the defense in connection with Plaintiffs' deposition
17 notice as a, "person most knowledgeable pursuant to FRCP
18 30(b)(6) regarding all policies, procedures and training
19 of Hayward Police Department officers in using
20 deescalations," misspelling there with the S, "tactics
21 against subjects who they are responding to."

22 Is that your understanding?

23 A. Yes.

24 Q. Okay. And could you briefly -- and I think
25 your -- put you down twice. In any event, sorry about

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1 that.

2 A. That's all right.

3 Q. Can you briefly state the basis of your
4 qualifications?

5 A. Sure. I've been tasked around in 2015 to come
6 up with a course that the Police Executive Research
7 Forum was putting out. It's called Integrating
8 Communications and Tactics. And there were six modules
9 within this training. And part of this training was
10 working with individuals that potentially had
11 emotionally disturbed behavior.

12 And so I worked through the training material
13 and presented the course over a period of three or four
14 months in 2016. And then we've had some refresher
15 courses since then.

16 Q. Have you presented the refresher courses as
17 well?

18 A. I have.

19 Q. So when you say you presented, you're
20 basically like the lead instructor?

21 A. Correct.

22 Q. All right. And is every Hayward police
23 officer required to attend this course?

24 A. They are. One thing I'll note is that after
25 teaching this class I went to our personnel in training

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1 and suggested that we put at least an introductory block
2 to all of our in-house academy. So anybody who either
3 is coming over as a lateral police officer or who
4 recently graduated from the academy is given a two-hour
5 block on this PowerPoint.

6 Q. Right.

7 A. But it's an abbreviated version of it.

8 Q. I understand. Now, James, can you get me a
9 stapler?

10 MR. COOK: Oh, yeah. Okay. Got you.

11 BY MR. NISENBAUM: Q. Now, the training is that --
12 well, strike that.

13 Do you have any role in making policy at the
14 Hayward Police Department?

15 A. Only in the sense that I've made
16 recommendations to our policy. But not actually
17 drafting policy.

18 Q. Okay. Do you know whether or not the training
19 that's provided is required to be followed by police
20 officers?

21 A. Yeah. I mean, I guess I'd say yes. You know,
22 it's kind of the standard. And not policy, but there's,
23 like, our practice if that makes sense.

24 Q. Okay. In other words, you provide the
25 training and officers are required to follow the

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2
3 I hereby declare I am the deponent in the
4 within matter; that I have read the foregoing deposition
5 and know the contents thereof, and I declare that the
6 same is true of my knowledge except as to the matters
7 which are therein stated upon my information or belief,
8 and as to those matters, I believe them to be true.

9 I declare under the penalties of perjury of the
10 State of California that the foregoing is true and
11 correct.

12
13 Executed this ____ day of _____,
14 20__, at _____, _____.
15 (City) (State)

16
17 _____
MARK ORMSBY

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19 --o0o--
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24
25

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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF ALAMEDA)
4

5 I hereby certify that the witness, Mark
6 Ormsby, in the foregoing deposition appeared before
me, Kelly McKissack, a Certified Shorthand Reporter and
7 a disinterested person.

8 Said witness was then and there at the time
and place previously stated by me placed under oath to
9 tell the truth, the whole truth and nothing but the
truth in the testimony given on the date of the within
10 deposition; that the deposition is a true record of the
witness' testimony as reported by me.

11 The testimony of the witness and all questions
and remarks requested by Counsel was reported under my
12 direction and control, caused to be transcribed into
typewritten form by means of Computer-Aided
13 Transcription.

14 I am a Certified Shorthand Reporter licensed
by the State of California, and I further certify that I
15 am not interested in the outcome of the said action, nor
connected with, nor related to any of the parties in
16 said action, nor to their respective counsel. I am not
of counsel or attorney for either or any of the parties
17 to the case named in the within caption.

18 IN WITNESS WHEREOF, I have hereunto affixed my
signature this 10th day of February, 2020
19
20

21 ___/s/Kelly McKissack_____

22 Kelly McKissack
23 Certified Shorthand Reporter
California License No. 13430
24

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DEPOSITION OF LIEUTENANT MARK ORMSBY

WITNESS LETTER

TO: Lt. Mark Ormsby Date: 03.06.20
c/o Michael G. Vigilia, Sr. Asst. City Attorney
CITY OF HAYWARD Depo: 01.27.20
777 B Street Ref. #20012703A
Hayward, CA 94541

RE: AG.G...J.Aquino; K.Gonsalez v. City of Hayward, et al.

Dear Lt. Ormsby:

Please be advised that the transcript of your deposition taken in the above matter has been completed and is now available at this office for your reading and signing.

Please contact our office between the hours of 9:30 a.m. and 5:00 p.m. Monday-Friday, to schedule an appointment. Or, if you prefer, contact the attorney to review and sign the copy of your deposition under penalty of perjury.

Read the transcript making any changes necessary. In making any changes, please use the following guide:

1. DO NOT WRITE on the original transcript.
2. SIGN UNDER PENALTY OF PERJURY at the end of the Deposition on the Certificate of Witness Page.
3. List each change on the Deposition Errata Sheet following this page. Signature is required at the bottom of the Errata Sheet.
4. Forward the signed Certificate of Witness Page and signed Errata Sheet in addition to a copy of this letter to:

Barbara J. Butler & Associates
Certified Court Reporters
P.O. Box 3508, Santa Clara, CA 95055
(510) 832-8853 or (408) 248-2885.

Upon receipt of items requested in this letter, I will forward copies of same to all Counsel.

In the event you have not reviewed your deposition within 35 days or by trial date, whichever is sooner, the original transcript will be sealed pursuant to applicable laws and thereafter mailed to the deposing attorney.

Sincerely,

/s/Barbara J. Butler
Barbara J. Butler, CSR

cc: All Counsel